

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
SAN ANGELO DIVISION

ROBERT SCHELSKE, et al.,

Plaintiffs,

v.

No. 6:22-CV-049-H

LLOYD J. AUSTIN, III, in his official
capacity as United States Secretary of
Defense, et al.,

Defendants.

ORDER

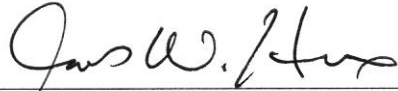
In accordance with the National Defense Authorization Act for Fiscal Year 2023, on January 10, 2023, the Secretary of Defense issued a memorandum rescinding the vaccine mandate across military branches.¹ The memorandum provides that “[n]o individuals currently serving in the Armed Forces shall be separated solely on the basis of their refusal to receive the COVID-19 vaccination if they sought an accommodation on religious . . . grounds.” *Id.* at 1. It further states that “[t]he Military Departments will update the records of such individuals to remove any adverse actions solely associated with denials of such requests, including letters of reprimand.” *Id.*

In light of this development, it is ordered that the parties shall submit a supplemental status report by no later than January 18, 2023, describing what, if any, issues remain to be litigated and proposing, if necessary, a schedule to do so.

¹ Sec’y of Def., *Rescission of August 24, 2021 and November 30, 2021 Coronavirus Disease 2019 Vaccination Requirements for Members of the Armed Forces*, <https://media.defense.gov/2023/Jan/10/2003143118/-1/-1/1/SECRETARY-OF-DEFENSE-MEMO-ON-RESCISSION-OF-CORONAVIRUS-DISEASE-2019-VACCINATION-REQUIREMENTS-FOR-MEMBERS-OF-THE-ARMED-FORCES.PDF> (Jan. 10, 2023).

Further, the defendants shall file a response to the plaintiffs' complaint by no later than January 20, 2023. Any response filed by January 20, 2023, shall be deemed timely.

So ordered on January 11, 2023.

A handwritten signature in black ink, appearing to read "James W. Hendrix", written over a horizontal line.

JAMES WESLEY HENDRIX
UNITED STATES DISTRICT JUDGE